

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
of this Application:

Prior Application:
Exam'r: Remy Yucel

Attorney's
Docket No.:
Enz-53 (DIV 5)

Class _____ Subclass _____

Group Art Unit: 1805

FILED BY EXPRESS MAIL

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231
BOX FWC (if under 1.62)

Sir:

This is a request for filing a _____ CONTINUATION X DIVISIONAL
_____ CONTINUATION-IN-PART application under _____ 37 CFR X 1.60
37 CFR _____ 1.62, of pending prior application Serial No. 08/574,443
filed on December 15, 1995 of Elazar Rabbani et al.
Inventor(s)

for:

**NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING
COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES**

Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. X A copy of the verified statement under 37 CFR 1.9 and 1.27 establishing small entity status in the prior application is enclosed. Small entity status is still applicable.
3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT								
					RATE		FEE	
	Number Filed		Number Extra		Small Entity	Other Entity	Small Entity	Other Entity
Total Claims	1	=	0	x	\$ 11	\$ 22	=	\$ 395
Independent Claims	1	=	0	x	\$ 41	\$ 82	=	\$ 0
Multiple Dependent Claims Presented: Yes <u>x</u> No					\$ 135	\$ 270		\$ ---
If the difference in Col. 1 is less than zero, enter "0" in Col.2						BASIC FEE		\$ ---
							\$ 395	
						TOTAL FEE		\$ ---
							\$ 395	

12/13/1996 PDE
11 FC:203
12 FC:202

Attorney's Docket No. Enz-53 (DIV 5)

EXPRESS MAIL CERTIFICATE

Express Mail Label No. 449423938

Deposit Date: November 25, 1997

I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231

Nov 25 97

Donald C. Fedus
Reg. No. 32,367

Elazar Rabbani et al.

Serial No.: 08/574,443

Filed: Herewith

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November 25, 1997)

08/574,443-112597

4. X The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.
- X Any additional filing fees required under 37 CFR 1.16.
- X Any patent application processing fees under 37 CFR 1.17.
5. X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.
- X Any patent application processing fees under 37 CFR 1.17.
- The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- Any filing fees under 37 CFR 1.16 for presentation of extra claims.
6. A check in the amount of \$ is enclosed.
7. X Cancel claims 25-244.
8. Amend the specification by inserting before the first line of the sentence: ~~--- This is a~~ X continuation, X divisional, continuation-in-part, of application Serial No. 08/574,443, filed on December 15, 1995 now abandoned.
-
9. Transfer the drawings from the prior application.
10. X Informal X Formal drawings are enclosed.
11. Abandon said prior application as of the filing date accorded this application. A **duplicate** copy of this sheet is enclosed for filing in the prior application file.
12. Priority of application Serial No. filed on is claimed under 35 U.S.C. 119. The certified copy of the priority application has been filed in prior application Serial No. , filed .
13. X The prior application is assigned of record to Enzo Therapeutics, Inc., c/o Enzo Biochem, Inc., 527 Madison Avenue, New York, New York 10022. [A copy of the originally submitted Assignment and the Notice of Recordation are enclosed herewith.]
14. X A preliminary amendment is enclosed.

Elazar Rabbani et al.

Serial No.: 08/574,443

Filed: Herewith

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November 25, 1997)

15. X The power of attorney in the prior application is to:
Ronald C. Fedus, Reg. No. 32,567, and John J. Santalone,
Reg No. 32, 794.
- (a) X The power appears in the original papers in the prior
application.
- (b) Since the power does not appear in the original
papers, a copy of the power in the prior application is
enclosed.
- (c) A copy of a new substitute power of attorney is
enclosed.
- (d) Address all future communications to: (May only be
completed by applicant, or attorney or agent of
record.)

Ronald C. Fedus, Esq.
Enzo Diagnostics, Inc.
c/o Enzo Biochem, Inc.
527 madison Avenue (9th Floor)
New York, New York 10022

16. X Also accompanying this Request is a Petition to Revive An
Unintentionally Abandoned Application Under 37 C.F.R.
1.137(b).
17. X I hereby verify that the attached papers are a true copy of prior
application Serial No. 08/574,443 .
18. The parent application (Serial No. 08/574,443) was
unintentionally abandoned after 2/25/97 , which was
the date that a response to the 11/25/96 Office
 Action was originally due. As noted under No. 16 above, this
Request For a Continuation Application is accompanying the
Petition to Revive an Unintentionally abandoned Application Under
37 C.F.R. 1.137(b), along with the requisite petition fee therefor.
With the expected granting of the Petition, the parent application
will be copending with the filing of this new continuation application.

The undersigned declares further that all statements made herein of his own knowledge
are true and that all statements made on information and belief are believed to be true;
and further that these statements were made with the knowledge that willful false
statements and the like so made are punishable by fine
or imprisonment, or both, under Section 1001 of Title 18 of the United States

Elazar Rabbani et al.

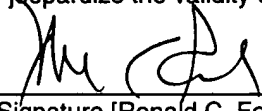
Serial No.: 08/574,443

Filed: Herewith

Page: 4 (Request for a Continuation Application Under 37 C.F.R. 1.60 -
November 25, 1997)

Code and that such willful false statements may jeopardize the validity of the
application or any patent issuing thereon.

NOV 25 97
Date


Signature [Ronald C. Fedus]

Registration No. 32, 567

Attorney for Applicants

☐ Inventor(s)

☐ Assignee of Complete Interest

☒ Attorney or Agent of Record

☐ Filed under 37 CFR '1.34(a)

Address of Signator:

Enzo Therapeutics, Inc.

c/o Enzo Biochem, Inc.

527 madison Avenue (9th Floor)

New York, New York 10022

08978637 112597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Elazar Rabbani et al.
 Serial No.: 08/574,443
 Filed: December 15, 1995
 Group Art Unit: Not Yet Known
 Examiner: Not Yet Known
 For: **NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING
 COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN ENZO THERAPEUTICS, INC.
 ADDRESS OF CONCERN c/o ENZO BIOCHEM, INC.
575 FIFTH AVENUE (18TH FLOOR)
NEW YORK, NEW YORK 10017

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Rule 35, United States Code, in that the number of employees of the concern, including those of its affiliates does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled:

**NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING
COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES**

by inventor(s)
 Elazar Rabbani et al.

described in

- ☐ the specification filed herewith
☒ Application Serial No. 08/574,443, filed December 15, 1995
☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME _____
 ADDRESS _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING BARRY W. WEINER
 TITLE OF PERSON OTHER THAN OWNER EXECUTIVE VICE PRESIDENT
 ADDRESS OF PERSON SIGNING 575 FIFTH AVENUE (18TH FLOOR)
NEW YORK, NEW YORK 10017

SIGNATURE  DATE MARCH 8, 1996

08978637 112597

APPLICATION

FOR

UNITED STATES LETTERS PATENT

08978637, 112597

To all Whom it may concern:

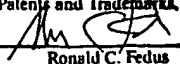
Be it known that

Elazar Rabbani,
Jannis G. Stavrianopoulos,
James J. Donegan,
Dakai Liu,
Norman E. Kelker, and
Dean L. Engelhardt

have invented certain new and useful improvements in

**NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING
COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES**

of which the following is a full, clear and exact description.

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	EF436871946
Deposit Date	DECEMBER 15, 1995
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231	
 Ronald C. Fedus Reg. No. 32,567	DEC 15, 1995 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

Box: PATENT APPLICATION

Sir:


Transmitted herewith for filling is the patent application of:

Inventor(s): Elazar Rabbani,
Jannis G. Stavrianopoulos,
James J. Donegan,
Dakai Liu,
Norman E. Kelker, and
Dean L. Engelhardt

For: **NOVEL PROPERTY EFFECTING AND/OR PROPERTY
EXHIBITING COMPOSITIONS FOR THERAPEUTIC &
DIAGNOSTIC USES**

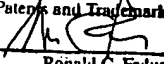
Respectfully submitted,

DECEMBER 15, 1995
Date



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO THERAPEUTICS, INC.
ENZO DIAGNOSTICS, INC.
c/o Enzo Biochem, Inc.
575 Fifth Avenue (18th Floor)
New York, New York 10017
Telephone (212) 856-0876

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	<u>EF436871946</u>
Deposit Date	<u>DECEMBER 15, 1995</u>
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 Ronald C. Fedus Reg. No. 32,567	<u>DEC 15 1995</u> Date